

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

FIRESTAR DIAMOND, INC., *et al.*

Debtors.

RICHARD LEVIN, Chapter 11 Trustee of FIRESTAR DIAMOND, INC., FANTASY, INC., and OLD AJ, INC. f/k/a A. JAFFE, INC.,

Plaintiff,

v.

AMI JAVERI (A/K/A AMI MODI); PURVI MEHTA (A/K/A PURVI MODI); NEHAL MODI; NEESHAL MODI; CENTRAL PARK REAL ESTATE, LLC; CENTRAL PARK SOUTH 50 PROPERTIES, LLC; TRIDENT TRUST COMPANY (SOUTH DAKOTA) INC., solely as Trustee of the ITHACA TRUST; *ET AL.*

Defendants.

Chapter 11

No. 18-10509 (SHL)

(Jointly Administered)

Adv. Proc. No. 20-1054

**TRUSTEE'S MOTION FOR LEAVE TO EXCEED PAGE LIMIT FOR OMNIBUS BRIEF IN  
OPPOSITION TO DEFENDANTS' MOTIONS TO DISMISS**

Plaintiff Richard Levin, not individually but solely as chapter 11 trustee ("Trustee" or "Plaintiff") for Debtors Firestar Diamond, Inc., Fantasy, Inc., and Old AJ, Inc. f/k/a A. Jaffe, Inc. (collectively, the "Debtors"), hereby files this motion (the "Motion") requesting entry of an order, substantially in the form attached hereto as Exhibit A (the "Proposed Order"), authorizing the Trustee to exceed the page limitation set forth in this Court's Chambers' Rules for responsive briefs so that he may file an omnibus brief in opposition (the "Omnibus Opposition") to the motions to dismiss filed by Defendants Purvi Mehta (Adv. Dkt. 39), Central Park Real Estate LLC and Central Park South 50 Properties LLC (Adv. Dkt. 42), Ami Javeri (Adv. Dkt. 44), Nehal Modi (Adv. Dkt. 47), and Neeshal Modi (Adv. Dkt. 56) (collectively, the "Motions to Dismiss"). In support of this Motion, the Trustee respectfully states:

## **JURISDICTION**

1. This Court has jurisdiction to consider this Motion under 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. 157(b)(2). Venue is proper before this Court under 28 U.S.C. §§ 1408 and 1409.

## **RELIEF REQUESTED**

2. The Trustee seeks entry of an order allowing the Trustee's Omnibus Opposition to the Motions to Dismiss to exceed the 40-page limitation (the "**Page Limit**") set forth in this Court's Chambers' Rules for responsive briefs by up to 40 additional pages (for a total of up to 80 pages). See Chambers' Rules - Form and Content of Briefs ("Except as otherwise permitted by the Court, moving and responsive briefs shall be no more than 40 pages in length.").

## **BASIS FOR RELIEF REQUESTED**

3. The Trustee's request to exceed the Page Limit is reasonable under the circumstances. The Trustee is responding to five separate Motions to Dismiss totaling 139 pages.<sup>1</sup> If the Trustee filed five separate opposition briefs, each brief would be within the Page Limit. However, because many of the issues and arguments are common to all defendants, the separate briefs would be duplicative of each other in many respects. For the sake of efficiency and the convenience of the Court and all parties, the Trustee wishes to instead file an Omnibus Opposition addressing all five Motions to Dismiss at the same time. The Trustee believes he can achieve this in no more than 80 pages, which is still 120 pages less than the 200 pages the Trustee would be entitled to if he filed separate briefs.

4. The Trustee therefore respectfully submits that exceeding the Page Limit is warranted under the circumstances.

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<sup>1</sup> The deadline for the Trustee to respond to the Motions to Dismiss is December 4, 2020. (See Adv. Dkt. 54).

**NO PRIOR REQUEST**

5. No previous request for the relief sought herein has been made to this Court or any other court.

**CONCLUSION**

WHEREFORE, the Trustee respectfully requests that this Court enter an order, substantially in the form annexed hereto, granting the relief sought herein and granting such other and further relief as may be just and proper.

Dated: November 25, 2020  
New York, New York

Respectfully submitted,

**JENNER & BLOCK LLP**

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